

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

EDWIN WALKER,

Plaintiff

v.

JEROME W. WALSH, et al.,  
Defendants

:  
:  
CIVIL ACTION NO. 3:11-CV-1750  
:  
(Judge Nealon)  
(Magistrate Judge Carlson)  
:  
:  
:

**ORDER**

NOW, THIS 7<sup>th</sup> DAY OF DECEMBER, 2012, for the reasons set forth in the

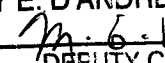
Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, (Doc. 36), is **ADOPTED**;
2. Defendant Goyne's motion to dismiss, (Doc. 27), is **GRANTED in part** and **DENIED in part**;
  - A. The motion is **GRANTED** in so far as it seeks to dismiss all claims against Defendant Goyne in his official capacity, and all official capacity claims are **DISMISSED**;
  - B. The motion is **DENIED without prejudice** to the extent it seeks dismissal for failure to exhaust;
3. This case is **REMANDED** to Magistrate Judge Carlson for further proceedings; and
4. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.

  
United States District Judge

**FILED**  
**SCRANTON**

DEC 07 2012

MARY E. D'ANDREA, CLERK  
Per    
DEPUTY CLERK